In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 18318 of 2005
Date of Decision: 28.9.2006

Ishwar **---Petitioner**

Vs.

State of Haryana and others **---Respondents**

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice M.M.S.Bedi

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Present: Mr.I.D.Singla, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana
for respondents No. 1 and 2.

Mr. P.S.Saini, Advocate,
for respondent No. 4

Mr. R.K.Malik, Advocate,
for respondent No. 5

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M.M.Kumar, J.(Oral)

The question raised by the petitioner in the instant writ petition is as to whether he is entitled to salary @ Rs. 2550/- or @ Rs. 1800/-. According to the learned counsel the minimum wages prescribed by the Deputy Commissioner would be Rs. 2550/- p.m. whereas the stand of the respondent is that it the contractual rate of salary being given as the petitioner is working as part time rickshaw puller.

It is disputed as to whether the D.C. Rates of Rs. 2550/- would be available to a part time worker like the petitioner or the aforementioned rate is applicable to a full time worker.

Having heard the learned counsel, we are of the view that for proper adjudication of the issue, the petitioner would be better advised to invoke the jurisdiction of the Labour Court where such a question can be adjudicated by adducing evidence. Therefore, the petitioner is relegated to the remedy of seeking reference under Section 10 of the Industrial Disputes Act.

This petition is disposed of accordingly.

(M.M.KUMAR)
JUDGE

(M.M.S.BEDI)
JUDGE

September 28, 2006
paramjit